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7 Attorneys for Defendants
INCOMM HOLDINGS, INC. and BEST BUY
8 CO., INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 BARBARA FAFARD, individually and on behalf
12 of a class of similarly situated individuals,

13 Plaintiff,

14 vs.

15 APPLE INC., BEST BUY CO., INC.; and
16 INCOMM HOLDINGS, INC.,

17 Defendants.

Case No. 3:12-cv-05125-CW

**STIPULATED REQUEST AND
[PROPOSED] ORDER TO FURTHER
EXTEND DEFENDANTS' TIME TO
RESPOND TO PLAINTIFF'S COMPLAINT
TO ALLOW THE PARTIES TO
PARTICIPATE IN FURTHER
SETTLEMENT DISCUSSIONS AND
MEDIATION**

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STIPULATED REQUEST TO FURTHER EXTEND DEFENDANTS' TIME TO RESPOND TO PLAINTIFF'S
COMPLAINT TO ALLOW THE PARTIES TO PARTICIPATE IN FURTHER SETTLEMENT DISCUSSIONS

Pursuant to Local Rules 6-1 and 7-12, Plaintiff Barbara Fafard and Defendants Apple Inc., Best Buy Co. Inc., and InComm Holdings, Inc. ("InComm"), through their respective counsel of record, hereby stipulate to further extend the time for Defendants to respond to Plaintiff's Complaint. This additional extension of time will enable the parties to continue to attempt to resolve the dispute.

Plaintiff and counsel for InComm, as well as certain InComm representatives, met in Philadelphia on March 7, 2013 to discuss the possible resolution of the dispute. The parties have also scheduled a mediation session in front of Hon. Ronald M. Sabraw (Ret.) for April 25, 2013.

The parties shall file a joint status report informing the Court of the progress or outcome of the mediation on or before April 27, 2013. In the event that the parties' mediation efforts are continuing to progress as of April 27, 2013, they shall be permitted an additional 30 days to continue those efforts and, in such an event, will be required to file a joint status report by no later than May 28, 2013.

If any party deems the mediation efforts to be unsuccessful, they shall so advise the Court and within 21 days thereof the Defendants shall respond to Plaintiff's Complaint.

Should Defendants elect to file a Rule 12 motion, the date by which Plaintiff's response to any such motion would be due shall be extended by an additional 21 days.

The date by which any reply in further support of any Rule 12 motion shall be filed shall also be extended by an additional 14 days.

DATED: March 14, 2013

MARCUS & AUERBACH LLC

By /s/ Jonathan Auerbach

Jonathan Auerbach
Attorney for Plaintiff
BARBARA FAFARD

DATED: March 14, 2013

REED SMITH LLP

By /s/ Felicia Yu

Abraham J. Colman
Felicia Yu
Mathew M. Wrenshall
Attorney for Defendants
INCOMM HOLDINGS, INC. AND BEST BUY
CO. INC.

1 DATED: March 14, 2013

PAUL HASTINGS

2 By /s/ David M. Walsh
3 David M. Walsh
4 Attorney for Defendant
5 APPLE INC.
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FILER'S ATTESTATION

I, Felicia Yu, attest that as the ECF filer of this Stipulation I obtained concurrence for this filing from all signatories to this document.

DATED: March 14, 2013

REED SMITH LLP

By /s/ Felicia Yu
Felicia Yu
Attorney for Defendants
INCOMM HOLDINGS, INC. AND BEST BUY
CO. INC.

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PROPOSED ORDER

PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED that the Defendants' response date to Plaintiff's Complaint shall be extended so that the parties can participate in mediation. Defendants' response date to Plaintiff's Complaint shall be 21 days after any party advises the Court that mediation efforts have been unsuccessful. Plaintiff shall have an additional 21 days to respond to any dispositive motion that Defendants might file and Defendants shall have an additional 14 days to file a reply in support of any dispositive motion.

IT IS SO ORDERED:

DATED: March 15, 2013


 The Honorable CLAUDIA WILKEN
 United States District Court Judge